

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

<b>IN THE MATTER OF CHARGES FILED AGAINST )</b>	
<b>POLICE OFFICER CARL BELASCHKY, )</b>	<b>Nos. 13 PB 2833 &amp; 2834</b>
<b>STAR No. 11814, DEPARTMENT OF POLICE, )</b>	
<b>CITY OF CHICAGO, )</b>	
<b>RESPONDENT. )</b>	<b>(CR Nos. 1040917</b>
	<b>&amp; 1043853)</b>

**FINDINGS AND DECISION**

On July 16, 2013, the Superintendent of Police filed with the Police Board of the City of Chicago two sets of charges against Police Officer Carl Belaschky, Star No. 11814 (hereinafter sometimes referred to as “Respondent”). In the first set of charges (Case No. 13 PB 2833), the Superintendent recommended that the Respondent be suspended for a period of ninety (90) days; in the second set of charges (Case No. 13 PB 2834), the Superintendent recommended that the Respondent be discharged from the Chicago Police Department. The Respondent is charged with violating the following Rules of Conduct:

Rule 1: Violation of any law or ordinance.

Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 14: Making a false report, written or oral.

Rule 15: Intoxication on or off duty.

On August 28, 2013, Thomas E. Johnson, Hearing Officer of the Police Board, ordered the cases consolidated for purposes of discovery and hearing without objection from the parties.

The Police Board caused a hearing on these charges against the Respondent to be had before Hearing Officer Johnson on October 4, 2013.

Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its findings and decision.

### **POLICE BOARD FINDINGS**

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.
2. The written charges, and a Notice stating when and where a hearing on the charges was to be held, were served upon the Respondent more than five (5) days prior to the hearing on the charges.
3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.
4. The Respondent, Police Officer Carl Belaschky, Star No. 11814, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,  
in that:

Case No. 13 PB 2833, Count I: On or about October 21, 2010, at or about 19:17 hours (Mountain Time), at or around the 200 block of West Victory Way, in Craig, Colorado, Officer Belaschky drove a motor vehicle while under the influence of alcohol, in violation of Section 42-4-1301(1)(a) of the Colorado Revised Statutes.

The Respondent pled guilty to this charge.

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5. The Respondent, Police Officer Carl Belaschky, Star No. 11814, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Case No. 13 PB 2833, Count II: On or about October 21, 2010, at or about 19:17 hours (Mountain Time), at or around the 200 block of West Victory Way, in Craig, Colorado, Officer Belaschky drove the wrong way on a roadway restricted to one-way traffic, in violation of Section 42-4-1006(1) of the Colorado Revised Statutes.

The Respondent pled guilty to this charge.

6. The Respondent, Police Officer Carl Belaschky, Star No. 11814, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Case No. 13 PB 2833, Count III: On or about October 21, 2010, at or about 19:17 hours (Mountain Time), at or around the 200 block of West Victory Way, in Craig, Colorado, Officer Belaschky had a firearm or firearms in his possession while under the influence of intoxicating liquor, in violation of Section 18-12-106(1)(d) of the Colorado Revised Statutes.

The Respondent pled guilty to this charge.

7. The Respondent, Police Officer Carl Belaschky, Star No. 11814, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Case No. 13 PB 2834, Count I: On or about December 28, 2010, at or around the Chicago North facility of the Secretary of State of Illinois, Officer Belaschky knowingly made a false affidavit and/or swore or affirmed falsely to required matters in his application for a duplicate

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driver's license to the Secretary of State of Illinois and/or agents thereof, including but not limited to: that the reason for requesting a duplicate driver's license was that he had lost his driver's license; and/or that his driver's license or privilege to obtain a license was not suspended, revoked, cancelled, or refused in any state in his or any other name; and/or that his driver's license was not being held by a court in lieu of bail; in violation of 625 ILCS 5/6-302.

At the time Officer Belaschky appeared at the Secretary of State's office, he knew his driver's license was suspended as a result of his decision to refuse a Breathalyzer examination in Colorado after he was arrested for driving under the influence. Officer Belaschky had contested this suspension in Colorado and the hearing officer who heard his case told him on December 22, 2010—before his visit to the Illinois Secretary of State—that the suspension would go into effect. Further, based on Officer Belaschky's own training as a Chicago police officer, he full well knew that his driver's license would be suspended as a result of the events that had taken place in Colorado. Officer Belaschky's explanation that he was simply careless in not reading the fine print of the Illinois driver's license renewal application (Superintendent Ex. No. 4) is belied by the testimony of Lorenzo Morales, which the Board credits. Mr. Morales is a long-time employee and the manager of the Illinois Secretary of State's Elston Avenue office. He convincingly explained that the normal practice at the facility, and his normal practice, is to read the key questions on the application form aloud to each applicant. It is not in dispute that Mr. Morales handled Officer Belaschky's renewal application. The renewal form itself (Superintendent Ex. No. 4), signed under oath, confirms Officer Belashky's false statements.

8. The Respondent, Police Officer Carl Belaschky, Star No. 11814, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

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in that:

Case No. 13 PB 2833, Count I: On or about October 21, 2010, at or about 19:17 hours (Mountain Time), at or around the 200 block of West Victory Way, in Craig, Colorado, Officer Belaschky drove a motor vehicle while under the influence of alcohol.

The Respondent pled guilty to this charge.

9. The Respondent, Police Officer Carl Belaschky, Star No. 11814, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Case No. 13 PB 2833, Count II: On or about October 21, 2010, at or about 19:17 hours (Mountain Time), at or around the 200 block of West Victory Way, in Craig, Colorado, Officer Belaschky drove the wrong way on a roadway restricted to one-way traffic.

The Respondent pled guilty to this charge.

10. The Respondent, Police Officer Carl Belaschky, Star No. 11814, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Case No. 13 PB 2833, Count III: On or about October 21, 2010, at or about 19:17 hours (Mountain Time), at or around the 200 block of West Victory Way, in Craig, Colorado, Officer Belaschky had a firearm or firearms in his possession while under the influence of intoxicating liquor.

The Respondent pled guilty to this charge.

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11. The Respondent, Police Officer Carl Belaschky, Star No. 11814, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Case No. 13 PB 2833, Count IV: On or about October 21, 2010, at or about 19:17 hours (Mountain Time), at or around the 200 block of West Victory Way, in Craig, Colorado, Officer Belaschky falsely represented that he was a recipient of the Lambert Tree Award, when he has never received said Award.

The Respondent pled guilty to this charge.

12. The Respondent, Police Officer Carl Belaschky, Star No. 11814, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Case No. 13 PB 2834, Count I: On or about December 28, 2010, at or around the Chicago North facility of the Secretary of State of Illinois, Officer Belaschky submitted a false and/or fraudulent application for a duplicate driver's license to the Secretary of State of Illinois, when at that time his driver's license was surrendered, suspended, cancelled, and/or revoked following Officer Belaschky's refusal to take a test to determine the concentration of alcohol and/or intoxicants in his system, after being requested to do so by a Colorado law enforcement officer.

See the findings set forth in paragraph no. 7 above, which are incorporated here by reference.

13. The Respondent, Police Officer Carl Belaschky, Star No. 11814, charged herein, is **guilty** of violating, to wit:

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Rule 14: Making a false report, written or oral,

in that:

Case No. 13 PB 2834, Count I: On or about December 28, 2010, at or around the Chicago North facility of the Secretary of State of Illinois, Officer Belaschky made false statements in his application for a duplicate driver's license to the Secretary of State of Illinois and/or agents thereof, including but not limited to: that the reason for requesting a duplicate driver's license was that he had lost his driver's license; and/or that his driver's license or privilege to obtain a license was not suspended, revoked, cancelled, or refused in any state in his or any other name; and/or that his driver's license was not being held by a court in lieu of bail; and/or Officer Belaschky swore or affirmed that all information contained in his application for a license on December 28, 2010, including the above statements, was true under penalties of perjury.

See the findings set forth in paragraph no. 7 above, which are incorporated here by reference.

14. The Respondent, Police Officer Carl Belaschky, Star No. 11814, charged herein, is **guilty** of violating, to wit:

Rule 15: Intoxication on or off duty,

in that:

Case No. 13 PB 2833, Count I: On or about October 21, 2010, at or about 19:17 hours (Mountain Time), and/or thereafter, including at or about 23:45 hours, in Craig, Colorado, Officer Belaschky, while off duty, was intoxicated.

The Respondent pled guilty to this charge.

15. The Police Board has considered the facts and circumstances of the Respondent's conduct, the evidence presented in defense and mitigation, and the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A.

The Respondent pled guilty to the charges in Case No. 13 PB 2833, and the Board finds justified the Superintendent's recommendation that the Respondent be suspended for 90 days for

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his misconduct on October 21, 2010.

Regarding the charges in Case No. 13 PB 2834, the Respondent plainly submitted a false application for a duplicate driver's license. Nonetheless, the Board finds that the seriousness of his misconduct on December 28, 2010, is mitigated by several factors.

Officer Belaschky promptly reported his DUI arrest to his supervisor, Sergeant Kaupert, and the Board finds that Officer Belaschky was ordered to go to the Secretary of State's office to obtain a license by his supervisor, Lieutenant West. While this does not abrogate Officer Belaschky from his responsibility to tell the truth on the license-renewal form, it is important to the Board that the officer did not undertake a license-renewal application on his own. Moreover, while Officer Belaschky was untruthful on his license renewal application, the Board does not believe that he falsified the document in order to obtain a material advantage as against the City. Indeed, shortly after the new license was issued, the Colorado suspension of his license was transmitted to Illinois and it is not disputed that Officer Belaschky's license was then suspended for a year and he could not work as a police officer during that year. In addition, while the Board takes Rule 14 and its obligation to be truthful quite seriously, the Board finds that the substance of the falsehoods by the officer here did not directly relate to his public duties as a police officer, nor did the falsehoods result from official police business (see *Harder v Village of Forest Park*, 2008 WL 4561631(N.D.Ill., 2008)).

For all of these reasons, the Board finds that discharging the Respondent from the Chicago Police Department is not warranted, and that a suspension of a total of one (1) year is a more fitting punishment on the facts of these particular cases.



**POLICE BOARD DECISION**

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in these cases, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes:

By unanimous votes, the Board finds the Respondent guilty of violating Rule 1, Rule 2, Rule 14, and Rule 15.

As a result of the foregoing, the Police Board, by vote of 5 in favor (Carney, Ballate, McKeever, Miller, Rodriguez) to 3 opposed (Conlon, Foreman, Fry), hereby determines that cause exists for suspending the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of one (1) year, from July 24, 2013, to and including July 23, 2014.

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**NOW THEREFORE, IT IS HEREBY ORDERED** that the Respondent, Police Officer Carl Belaschky, Star No. 11814, as a result of having been found **guilty** of charges in Police Board Case Nos. 13 PB 2833 & 2834, be and hereby is **suspended** from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period from July 24, 2013, to and including July 23, 2014 (one year).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21<sup>st</sup> DAY OF NOVEMBER, 2013.

/s/ Demetrius E. Carney

/s/ Melissa M. Ballate

/s/ Susan L. McKeever

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni  
Executive Director  
Police Board

**DISSENT**

We hereby dissent from the Findings and Decision of the majority of the Board with regard to the penalty. We find that knowingly submitting a false application under oath to the Secretary of State's office is a crime, raises serious questions about the honesty of the Respondent and undermines the Respondent's credibility as a police officer and as a witness, and therefore renders him unfit to continue to serve as a police officer. For this reason, we vote to discharge him from the Chicago Police Department.

/s/ William F. Conlon

/s/ Ghian Foreman

/s/ Rita A. Fry

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
SUPERINTENDENT OF POLICE

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Report Date: 15 Jul 2013  
 Report Time: 1047 Hrs

Information Services Division  
 Data Warehouse  
 Produced by: PC0U989

# Chicago Police Department

## Personnel Division



### Complimentary History

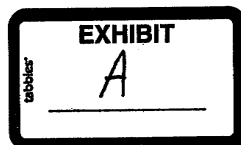
Name	Title	Star	Unit	Detail Unit	Emp Number
BELASCHKY, CARL F	9161	11814	017	166	

### Achievements

	Total No.
2004 CRIME REDUCTION RIBBON	1
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
DEMOCRATIC NATIONAL CONVENTION AWARD	1
COMPLIMENTARY LETTER	7
2009 CRIME REDUCTION AWARD	1
UNIT MERITORIOUS PERFORMANCE AWARD	1
HONORABLE MENTION	16
<b>TOTAL AWARDS</b>	<b>28</b>

FOR USE WITH POLICE BOARD

CR# 1043853



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 THE INFORMATION IS CURRENT AS OF THE  
 DATE AND TIME OF THE REPORT. THIS



## 15-JUL-2013 10:44:57 AM

<u>Social Sec. #</u>	<u>Name</u>	<u>Birth Date</u>	<u>Appointed Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	BELASCHKY CARL F.	[REDACTED]	01-AUG-1994	0	0	9161	POLICE OFFICER	166
<u>Sex</u>	<u>Race</u>							
M	WHITE							

<u>Birth Date</u> [REDACTED]	<u>Appointed Date</u> 01-AUG-1994	<u>No. Of CR's</u> 0	<u>No. Of SPAR's</u> 0
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FOR USE WITH POLICE BOARD #13-2833 + 2834